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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION FOUR

THE PEOPLE,  
Plaintiff and Respondent,  
v.  
LANDY LAROY SCOTT,  
Defendant and Appellant.

A104113  
(Marin County  
Super. Ct. No. SC107175A)

Landy Laroy Scott appeals from a judgment imposed after revocation of his probation. His counsel raises no issues and asks this court for an independent review of the record to determine whether there are any arguable issues. (*People v. Wende* (1979) 25 Cal.3d 436.)

On July 13, 2000, defendant waived his right to jury trial and pled guilty to possession of cocaine (Health & Saf. Code, § 11350, subd. (a)) and admitted a prior conviction for possessing a narcotic (Health & Saf. Code, § 11350). In sentencing defendant, the court found that it was an unusual case. The court placed defendant on probation for three years on conditions including that he serve four months in the county jail.

The People filed a petition to revoke probation on April 25, 2002, alleging that defendant was in possession of marijuana and marijuana paraphernalia. A probation revocation hearing was held on May 6, 2002. The court sustained the petition and reinstated defendant on probation. On August 9, 2002, the People filed another petition to revoke probation alleging that defendant inflicted corporal injury on a cohabitant.

Prior to the hearing on this matter, a third petition to revoke probation was filed alleging that defendant possessed a methamphetamine pipe. A hearing on the latter allegation commenced on March 3, 2003. On March 10, 2003, defendant waived his right to a completed hearing on the petition and admitted the allegations of the petition. The court reinstated defendant on probation and sentenced him to time served as a sanction for violating probation.

In a separate misdemeanor proceeding, a jury trial on the corporal injury offense commenced on July 1, 2003. The jury found defendant guilty of violating Penal Code section 273.5, subdivision (a). The matter was continued for sentencing.

A hearing on the probation revocation matter alleging the corporal injury offense was held on July 10, 2003. Defendant testified and admitted that he had an argument with Cindy S. on July 13, 2002. He stepped on her foot and she started to fall. He reached out to grab her clothes but grabbed her skin. He was not trying to hurt her. She fell and defendant fell on top of her. Defendant was still holding on to her and when they fell, he “caught” her across the right side of her face. Defendant testified that Cindy screamed that he had hit her. He admitted that he hurt her but that he did not intend to hurt her. The court found that defendant violated probation and revoked probation.

On September 29, 2003, the trial court sentenced defendant to the midterm of two years in state prison. The court granted defendant custody credits of 218 days. On the same day, in the misdemeanor proceeding, the court terminated probation and ordered defendant to serve 60 days in the custody of the county sheriff. The court ordered the sentence to be served concurrently with the state prison sentence.<sup>1</sup>

Defendant was represented by counsel throughout these proceedings. There was no error in the sentencing. There are no meritorious issues to be argued.

### **DISPOSITION**

The judgment is affirmed.

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<sup>1</sup> The misdemeanor proceeding is not before us.

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RIVERA, J.

We concur:

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KAY, P.J.

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SEPULVEDA, J.

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